

DOCKETED	
Docket Number:	21-OIR-01
Project Title:	Rulemaking to Amend Regulations Governing the Power Source Disclosure Program
TN #:	257858
Document Title:	CGNP's Concerns Regarding Loopholes Regarding Unspecified Power
Description:	A summary of CGNP's concerns regarding PacifiCorp's likely abuse of loopholes in California environmental law regarding power sector emissions.
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Submission Date:	7/21/2024 10:38:44 PM
Docketed Date:	7/22/2024

CGNP's attached article published in the April 5, 2022 Capitol Weekly outlines our concerns regarding PacifiCorp's likely abuse of loopholes in important California environmental legislation such as SB 1368 (Perata, 2006) which establishes a performance standard for long-term supply contracts equal to or less than a modern combined-cycle power plant at about 1,000 pounds CO₂/MWh. SB 1368 is codified as PUC § 8340 and § 8341.

PacifiCorp operates the west's largest fleet of coal-fired power plants. They own approximately 6,000 MW of coal-fired generation, in and around Wyoming. Until 2020, a Berkshire Hathaway Energy corporate website published an informative emissions inventory regarding their generation fleet at <https://brkenenergy.com/assets/pdf/sustainability-pacificorp-2020.pdf> Using the PacifiCorp emissions inventory statistics, CGNP calculates their 2020 CO₂ Emission intensity at 1,731.4 pounds (0.787 MT) CO₂/MWh, which is significantly in excess of the SB 1368 performance standard. Thus, PacifiCorp's generation mix would be barred for long-term supply contracts serving California load. The fact that PacifiCorp's emissions inventory is no longer available is consistent with the firm attempting to hide this relevant information.

While PacifiCorp has a negligible California retail footprint, it has an extremely large wholesale power sales, mostly to California entities. PacifiCorp's sales of power to the lucrative California power market are facilitated by its creation of the Western Energy Imbalance Market (WEIM) with CAISO in November, 2014. Per <https://www.westerneim.com/Pages/About/QuarterlyBenefits.aspx>, PacifiCorp's total power sales via WEIM to mostly California entities are \$819.49 million as of April 30, 2024. Since WEIM is a daily spot market, it is not subject to the SB 1368 performance standard. CGNP would not be surprised if there were additional bilateral power supply contracts between California entities and PacifiCorp.

Per the Cal Access database maintained by the California Secretary of State, PacifiCorp is aggressively lobbying California governmental entities, likely including the CEC. PacifiCorp was California's fifth largest lobbyist employer in 2023. PacifiCorp was likely the largest lobbyist employer in the first quarter of 2024, with annualized expenditures of about \$10.99 million. (CGNP objected to the California Secretary of State when PacifiCorp's Quarterly Form 635 provided a misleading total of ZERO for this quarter. <https://greennuke.substack.com/p/filing-error-cough-in-pacificorps> - PacifiCorp subsequently filed an amended Form 635.) Given PacifiCorp's negligible retail footprint, the logical conclusion is these large lobbying expenditures support PacifiCorp's wholesale electricity business.

As of July 21, 2024, PacifiCorp has made three filings in the instant proceeding (April 14, 2023, February 21, 2024, and July 3, 2024.) CGNP believes it is significant that the firm is requesting exemptions from reporting the emissions associated with the firm's unspecified power supplied to California, despite the concerns that CGNP is raising in this filing.

CGNP will be making additional filings in this Docket.